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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,969	01/29/2002	Akihiko Takeuchi	00684.003316	2472

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EXAMINER

CHEN, SOPHIA S

ART UNIT	PAPER NUMBER
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2852

DATE MAILED: 11/15/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

MP

Office Action Summary	Application N .	Applicant(s)	
	10/057,969	TAKEUCHI ET AL.	
	Examiner	Art Unit	
	Sophia S. Chen	2852	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10 and 13-16 is/are rejected.
- 7) ☒ Claim(s) 4-9, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4 and 5</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Figure 20 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: O (Figure 6), S, E (Figure 15), c, d, 43 (Figure 17), r1 and r2 (Figure 21). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: D (page 24, line 20) and 42a (page 55, line 12, etc.). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to because of the following informalities:

a. The sectional cross-hatching of reference numerals 30b (Figures 2 and 18), 2, 3 (Figures 8(a) and 8(b)), 4 (Figure 8(b)), 202, and 203 (Figure 19) is incorrect. See MPEP § 608.02.

b. FIG. 8 (a) and (b) should be labeled as FIG. 8(a) and FIG. 8(b).

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "201" has been used to designate both "a flange" (page 9, line 22, etc. and Figures 21 and 22) and "a base layer" (page 62, line 10, etc. and Figure 19). Also the reference character "40" has been used to designate both "a highly heat conductive member" (page 23, line 2 and Figures 2, 4, 10, and 16) and "a lubricous member" (page 61, line 8, etc. and Figure 18). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

6. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: IMAGE HEATING APPARATUS HAVING A LIMITING MEMBER.

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is

requested in correcting any errors of which applicant may become aware in the specification.

8. The disclosure is objected to because of the following informalities:
- a. Page 7, line 20, "16" should be "16c".
 - b. Page 9, line 1, "16" should be "16c".
 - c. Page 12, line 16, "Figure 8 is a schematic sectional view" should be "Figures 8(a) and 8(b) are schematic sectional views".
 - d. Page 12, line 18, "shows" should be "show".
 - e. Page 19, line 20, "107" should be "106".
 - f. Page 59, line 16, "12" should be "22".
 - g. Page 59, line 20, "13" should be "30".
 - h. Page 62, line 24, "2" should be "202".
 - i. Page 63, line 2, "2" should be "202".
 - j. Page 63, line 3, "3" should be "203".
 - k. Page 63, line 4, "3" should be "203".

Appropriate correction is required.

Claim Objections

9. Claims 2-12 are objected to because of the following informalities:
- a. Claim 2, line 2, "send" is misspelled, and the correct spelling should be "said".
 - b. Claim 2, line 3, "send" is misspelled, and the correct spelling should be "said".

- c. Claim 3, line 3, "is the formed" is grammatically incorrect.
- d. Claim 9, line 2, "father" is misspelled, and the correct spelling should be "further".
- e. Claim 12, line 4, "send" is misspelled, and the correct spelling should be "said".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-3, 10, and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sano et al., U.S. Pat. No. 6,014,539.

The patent discloses an image heating apparatus comprising a rotatable member (fixing film) 710 or 20 contactable to a recording material 15 carrying an image T (Figures 4(A) and 8); a limiting member 71, 73, or 31 for limiting movement of the rotatable member 710 or 20 in a direction of a generating line of the rotatable member 710 or 20 (Figures 2, 3, and 10); the limiting member 71, 73, or 31 being provided with a surface opposed to an outer peripheral surface at an end portion of the rotatable member 710 or 20 (Figures 2, 3, and 10); a roller 730 or 24 contacted to the rotatable member 710 or 20 for forming a nip n (Figures 4(A) and 8); the rotatable member (fixing film) 710 or 20 being flexible; inherently, the limiting member 71, 73, or 31 being held by

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a hold; the limiting member 71, 73, or 31 being made of heat-resistive resin material (column 6, lines 29-30); the rotatable member 710 or 20 having a metal layer 701 or 20a; a coil 718 or 23 for generating a magnetic field for inducing eddy currents in the metal layer 701 or 20a (column 4, lines 49-52 and 62-67); and the image T on the recording material 15 being heated by a heater (column 12, lines 49-52).

Allowable Subject Matter

12. Claims 4-9, 11, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Other Prior Art

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Setoriyama et al., U.S. Pat. No. 5,196,895, discloses an image heating apparatus comprising a rotatable heating film; a limiting member for limiting a lateral shifting force of the rotatable heating film; a pressure roller; and a heater connected to an inner peripheral surface of the rotatable heating film.

Abe et al., U.S. Pat. No. 6,049,691, discloses an image heating apparatus comprising a rotatable heating film; a limiting member (flange); a pressure roller; and a coil for generating a magnetic field for inducing eddy currents.


Hayasaki et al., U.S. Pat. No. 6,359,269, discloses an image heating apparatus comprising a rotatable heating film; a limiting member (flange); a pressure roller; and a coil for generating a magnetic field for inducing eddy currents.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sophia S. Chen whose telephone number is (703) 308-7617. The examiner can normally be reached on M-F (7:00-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur Grimley can be reached on (703) 308-1373. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3431 for regular communications and (703) 305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.


Sophia S. Chen
Primary Examiner
Art Unit 2852

SSC
November 14, 2002